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FROM

Daniel M. Richardson,
Lowell, Mass.,

18 Oct., 1890.

Compliments of

DANIEL M. RICHARDSON.

Engd by Ad. Richard

Daniel S. Richardson

MEMORIAL

OF

DANIEL S. RICHARDSON

PRESENTED TO THE

SUPREME JUDICIAL COURT

APRIL 15, 1890

LOWELL, MASS.
1890

US 13628.1
17376.37

Daniel M. Richardson,
Lowell.

INTRODUCTION

At a meeting of the Middlesex County bar, to take action on the death of Hon. Daniel S. Richardson, John J. Pickman, Esq., was chosen to preside, and Fred P. Marble, Esq., to act as secretary. Hon. A. P. Bonney, Hon. George A. Bruce, Hon. George M. Brooks, Hon. Jeremiah Crowley, and Hon. Levi Wallace were appointed a committee to prepare resolutions or a memorial, to be presented to the Supreme Judicial Court, sitting at Lowell on the third Tuesday of April, 1890.

Larkin T. Trull, James H. Carmichael, and Fred P. Marble were appointed a committee to make appropriate arrangements for a meeting of the members of the bar, to listen to and act upon the report of the committee on resolutions.

The memorial remarks hereinafter printed were offered at the afternoon session of the Supreme Judicial Court, Judge Oliver Wendell Holmes, Jr., presiding, at the Court House on Gorham Street, in Lowell, on Tuesday, April 15, 1890.

REMARKS BY MR. A. P. BONNEY

May it please your Honor:

I am deputed by my brethren of this bar to call to your official notice a most solemn event, which has profoundly moved the hearts of all of us, and deeply impressed this community.

So frequent are the visitations of Death to a bar as large as this of Middlesex, that we recognize that it would be an unreasonable interruption of the public business if this Court were called upon to suspend its work on every occasion when one of our number dies; and so, ordinarily, when a brother thus falls from the ranks, we sadly follow him to his last earthly home, take of him a silent farewell, "the ranks close up, and the column presses on" in the busy struggles and ambitions of life.

It is only when some brother greatly distinguished above the majority of us passes from life, and the sentiment of the community, as well as of our own hearts, demands it, that we ask this Court to formally note the event.

Since the last sitting of this Court in this county, several members of this bar have gone from us forever into the silent land; each of them respected, loved, and mourned in the sphere in which he moved and was known. Among the number is one so venerable and super-eminent; so paternal in his relations to many of us; so well known and beloved by most of us; so honored and revered in this community; whose upright, manly life has so long been an example for emulation, and an adornment to this bar and our profession; whose kindly sympathies and genial companionship have served to sweeten and cheer the labors and lives of so many of us, and whose death has left so large a vacancy in our ranks, that it seems to us fitting, and not invidious to the memories of any that have

gone before him, that we ask that the Court may briefly pause in its ordinary work, that, in the presence of and with the concurrence of your Honor, who knew him, and in this Court where the most important of his work was done and he achieved his highest honors and widest and most enduring fame, and in this room where we may almost fancy there may still linger some echo of his familiar voice, we may pay our fond, just tribute to his virtues and memory.

Hon. Daniel S. Richardson was born at Tyngsborough, in this county, on the 1st of December, 1816. His paternal American ancestry dates from Ezekiel Richardson, who came to this country from England in a vessel of Winthrop's fleet, in 1630. His maternal ancestry was of the Adams family of patriotic, presidential, and forensic memory. He prepared for college at the Derry Academy, and was graduated from Harvard University in 1836; pursued the study of law at the Law School of that college, and was admitted to the bar of this Court in 1839; and after a life of great use-

fulness, purity, and honor, died at his home in this city on the 21st of last month.

During his life he filled with great ability and fidelity a larger number of offices and trusts of honor and grave responsibilities, than often falls to the lot of one man. Without other aid than my own memory, it is not probable that I can give a complete list of these offices; but I recall that during his life he was a member of the Senate and House of Representatives of this Commonwealth; chairman of the Board of Commissioners of this county; a member of both branches of the Council of this city; president of the Nashua and Lowell Railroad Corporation; and for many years preceding, and at the time of his death, he was the president of the Prescott National Bank; the senior and leading director of the Traders and Mechanics Insurance Company; president of the Vermont and Massachusetts Railroad Company; a trustee of the Lowell Five Cent Savings Bank; president of the Lowell Manufacturing Company; a State Director of the Troy and

Greenfield Railroad; a director of the Lowell Bleachery Company; one of the trustees of the State Lunatic Hospital at Danvers; a director of the American Unitarian Association, and a trustee of the Westford Academy. In these places, he was not merely a nominal or ornamental head or associate: he was a leading counsellor, and bore an active part in the management of all the institutions and trusts with which he was connected. His associates in these various trusts have very generally given public expression of their high appreciation of his services, and their regard and affection for him. Not contenting himself with these casual labors — as he doubtless considered them — he was, for a considerable time, the editor-in-chief of a leading newspaper of this city, and continued, up to his last days, a frequent writer for this and other publications. During his life, and up to its close, he also administered and was trustee of numerous large estates. These facts are related as in a measure indicative of the confidence, esteem, and honor in which he was held by

his fellow-citizens; the great diversity of his labors, and the weighty cares and responsibilities which he bore.

Surely it would seem that the labors, cares, and honors of these offices, trusts, and pursuits would have sufficed to occupy the brain and hands, and satisfy the ambition, of so unobtrusive a man as Mr. Richardson. Yet they appear to have been mere incidents — casual asides in his great life-work — the study and practice of the profession of a lawyer.

It is said that the law is a very jealous mistress, suffering no rival, and that he who would thrive or win honors in its practice, must discard all other pursuits. It seems surprising, that with all the other duties which he took upon himself, Mr. Richardson succeeded in storing up so much professional learning; building up and successfully conducting so large and important a practice, and achieving so much honorable distinction at the bar.

It may be he had the happy faculty of making these other labors serve the place

of the recreations and amusements which others seek, as diversions and rest to enable them to bear the wear and strain of professional life; and that he *inherited* an extraordinary faculty for comprehension and practice of the law, for his is a race of lawyers. Not to speak of the maternal side, his father was a distinguished lawyer and member of this bar; his uncle, after service in the Congress of the United States, was for the period of twenty-two years — 1816 to 1838 — the Chief Justice of New Hampshire; the elder of his two brothers was formerly his partner in practice, then Judge of the Probate Court of this county, and is now Chief Justice of the United States Court of Claims; the younger brother is now a leading, and his son and nephew are promising, members of this bar.

Mr. Richardson entered upon the practice of his profession in this city immediately on his admission to the bar, well prepared by diligent study, and presumably by paternal training. His worth and promise were recognized, and he was cordially welcomed

by the bar. His abilities, industry, and fidelity soon won for him a respectable position in the profession, and a fair clientage. He steadily grew in the estimation of the bench and bar, and the confidence of the public, and for very many years his practice was one of the largest and most important, and his eminence as a lawyer among the highest ever attained by members of this bar.

What this signifies, will be better appreciated by those whose memory of this bar extends to that decade of which the date of Mr. Richardson's advent was the center. It may be admissible, and not immodest, for one who came to the bar at a later period, but who had the great privilege of knowing and observing most of the bar of that decade, to assert that in learning, ability, and honor, in proportion to its numbers, it was second to none then, before, or since, in this Commonwealth. With what mixed feelings of sadness, delight, and affection does memory revert to the members of the bar of those years! But it would only add to the sorrow of this occasion to call their

names now: the roll is long; the responses, alas! would be few. Of all the number, only five remain on earth. Two of these preceded him at the bar, one was contemporaneous, and the other two came to the bar within a year after him. Between them and the next in seniority living, there is a lapse of years. For confirmation of my estimate of the bar of fifty years ago, I point to these survivors. May each of them be long spared to us!

Mr. Richardson had a very large chamber as well as court practice, and was a conscientious and sagacious counsellor. His important legal papers were prepared with painstaking care, and expressed with great precision. He was tenacious of his opinions — not from pride, but because they were founded on careful consideration, and he was able to fortify them with authority or strong reasoning not easily refuted. But when convinced of error, none could yield with more ready grace, and he always treated with courtesy the opinions of others.

In his court practice, he was always re-

spectful and deferential to the Court, and affable and obliging to his adversaries. He exhaustively prepared his causes, and tried them with great fairness, without chicanery, but closely and thoroughly, and with intense earnestness and zeal. Whoever encountered him found him an adversary commanding his respect and best efforts and resources. In his addresses to Court or jury, he eschewed all fanciful, rhetorical flights; his arguments were logical, expressed in good, plain English, and with fervor that was very effective.

Pleasing and endearing features in the life of Mr. Richardson, were his very amiable disposition; the absence of vindictiveness and jealousy; his appreciation of the talents and good in others, and charity for their weaknesses and faults; his warm sympathies with others, and forgetfulness of self; his manliness, gentleness, and simplicity of demeanor, and extraordinary modesty.

He habitually expressed his admiration for the abilities of others, and his sympathies

in their labors, but never appeared to realize that he bore any unusual burden of cares or occupied any conspicuous or enviable position. He rarely spoke of his own work, much less did he recount his triumphs.

Amid all his cares and labors, he found time to keep himself familiar with public events; the progress of science and learning, and the literature of the day, and to meet the reasonable requirements of society, friendship, family, and religion.

He was a prominent and active member of that denomination of religionists that call themselves "Liberal Christians" — otherwise known as Unitarians. It follows that he was tolerant of and respected the religious opinions of others. Indeed, he liberally contributed to the erection of churches, and maintenance of societies, of other denominations — even those that denounce his religion as unchristian, and deny its followers fellowship. He intruded his religion on no man; he denied it before none. He acknowledged God and his dependence upon

Him—Christ as his teacher, guide, and light. His theology was the Sermon on the Mount. He made no parade of his religion; he *lived* it; and so did his life shine before men.

We have spoken of his paternal relations to many members of this bar. He took great interest and delight in training proper young men for the profession of his choice, and in encouraging and aiding young members of the bar. His office has always been a school for students of the law, and a very considerable number of present members of this bar and other bars, and some who have gone hence before him, pursued their studies in his office, under his guidance; and many other members of this bar have been the grateful recipients of his kind assistance, guidance, and counsel.

Mr. Richardson continued in the active work of his profession until he had rounded out full fifty years in practice, and more than three-score years and ten of life. Then, broken more by the long-sustained burden of his great labors and cares than by mere weight of years, he laid his work upon his

younger and kindred partners, and sought well-merited repose and quiet of age. But his end was very nigh. His increasing infirmities soon compelled him to wholly retire to the quiet and delightful home which he had provided many years ago, and there, surrounded, ministered to, and soothed by a loving wife, children, kindred, and friends, his life rapidly ebbed, till he fell into his final rest.

I would not that my affection for the dead, or tenderness of the living, should lead me to mar this occasion by seeming fulsome eulogy, and while I present my own estimate of my brother, founded on many years of intercourse and professional associations and conflicts, yet my former close intercourse with and observation of him and the bar having been interrupted for a considerable period, and being called to this occasion, I have taken measures to ascertain the present appreciation of Mr. Richardson by the bar, and their sentiments towards him; and I have the most abundant assurances that I in no degree *over*-state

their estimate of his ability, virtues, or character, or their affectionate regard for him. Indeed, I am conscious that my poor words are but an unworthy tribute.

We speak only of his virtues, but we know that there was never a mere human life so bright that it was wholly without shadows. Our brother was a strong man — a good man; but, being human, some frailties and errors were inevitable. Whatever errors we may have at any time thought we discovered in him, they were so venial that they do not intrude on the mind now, and we would not remember them if we could. This is not an occasion for speech or thought of any weakness or fault that was in him, for it is not they, but his virtues and goodness, that we hold up for admiration and emulation, and there were very great virtue and goodness in Brother Richardson; enough to make his life worthy of admiration and emulation, and his memory unto us a sweet savor, and unto his children and their children a priceless inheritance, and to justify our hope and

faith that he has entered into the peace, and rest, and sleep, and reward of the just. Happy indeed will it be for each of us if, when our lives are passed in review, so much good may be found therein.

May it please your Honor: The theme has proved an inviting one, and affection has impelled me beyond the bounds assigned me. Other and more facile lips and eloquent tongues will more fittingly — they can not more sincerely — speak of the virtues and memory of our brother. I am commissioned by my brethren of the bar to present to the Court their memorial in his commemoration, which, with your Honor's leave, I will now read, and to move that the prayer therein be granted.

MEMORIAL

To the Supreme Judicial Court of the Commonwealth of Massachusetts, sitting at Lowell, within and for the County of Middlesex, this fifteenth day of April, in the year 1890:

This Memorial, by the members of the bar of said County, presents:

That the Honorable Daniel Samuel Richardson, a Counsellor of this Court, and a distinguished and revered member of this bar, after an extensive, successful, and honorable practice of his profession for more than fifty years, died at his residence in this city on the twenty-first day of March last, in the seventy-fourth year of his age.

That his surviving brethren of this bar, profoundly moved by the event, and holding in high regard and admiration and most affectionate and grateful memory their deceased brother, attest and desire to commemorate his noble, useful, and exemplary life:

His rare learning, ability, and industry:

His appreciation of the high dignity of the judicial

office and the deference due thereto, and uniform observance thereof:

His appreciation of the grave duties and responsibilities of the counsellor and advocate, and his fidelity thereto:

His appreciation of the amenities and courtesies becoming to professional brethren in their intercourse and relations with each other, and his habitual practice thereof:

His promotion of the public welfare, by his signally sagacious and faithful administration of the honorable and responsible offices which he filled in the governments of the Commonwealth and County, the city of his residence, and numerous important industrial, financial, and charitable corporations and institutions:

His beneficence to the poor and unfortunate, by his generous but discriminate charities, counsel, and sympathy:

His encouragement of the Christian religion, by his liberal contributions for its support, and his example of habitual attendance upon public worship, and reverence for its ordinances:

His patriotic loyalty to his Country and its Constitution, and *conscientious* performance of the duties of citizenship:

His unselfish kindness and fidelity as a friend, and geniality as a companion, and his uprightness, modesty, and urbanity in all his relations and associations in life.

Wherefore, your memorialists pray that this testimonial may be engrossed at large on the records of this Court.

For the Middlesex Bar,

ARTHUR P. BONNEY,
GEORGE A. BRUCE,
GEORGE M. BROOKS,
JEREMIAH CROWLEY,
LEVI WALLACE,

Committee.

REMARKS BY GEN. BENJ. F. BUTLER

May it please your Honor:

It needs no second proposition that a memorial of the Middlesex bar shall find place upon the records of this Court, which have been ennobled by the learning, industry, and conduct of our late brother, Daniel S. Richardson.

Peculiarly situated in regard to him, it may be fitting that I say the words that come to the lips from the heart, showing what I know in regard to him. A young man of the keenest social sensibilities, of the warmest and most affectionate disposition and the kindest of hearts, he came to the bar almost precisely a year before I was admitted, while I was still a student. I had heard of him at the time of his graduation at Harvard, and of the high standing he took there, and of the enco-

miums passed on his literary performances on that occasion. I had heard of the enlightenment of his mind and his acquisitions of knowledge, and thorough practice of making application of that knowledge in the instruction of others, giving him high place in his class and among the professors of the University. Naturally I was attracted to him. I trust I use the word "naturally" properly in regard to myself, because I knew no man then, and from an intimacy of almost fifty years I know no man now who did know him, who was not attracted to him. Even the words which have been so well uttered here give no description which can convey an adequate idea of the loveliness of his character.

Here and now I make the averment, which is only needed as an intimation to bring back to the recollection of my brothers at the bar a like experience, that I never heard a man speak an unkind word of Daniel S. Richardson. We differed at the bar, as all men must do, in the course of our practice, and perhaps I myself was

as aggressive as any; but between him and me no word that might not have been repeated across the social table ever passed, nor was there any such by either of us used. So that he was one of the few men that I ever met that had no enemies, and his friends were everywhere where he was known.

I was unfortunate in my relations in my study of the law, because the teacher who had been selected for me was called into other branches of business away from the office, leaving me substantially alone; and many and many were the times when I left the office,—not very far off,—to go down to Mr. Richardson and ask him the resolution of some point of law I did not understand or could not comprehend, and there was no time when his business was so pressing and urgent, that with a kindliness of heart the remembrance of which almost prevents me from expressing the feelings I have for him, he would not stop to tell the young student, two years younger than himself, and far younger in attain-

ments of learning, what was best for him to do, and what was best for him to know, and what was the best course of study to be pursued, relieving me upon all questions that troubled me. So that I owe to him much, very much, for any legal attainments that I acquired during my studies. Nor was mine a singular case. It distinguished his character in regard to all young men of the profession.

In one sense, his was an uneventful life. No great occasions called upon him to come out from his daily labors and works in the law to incite even the great qualities he had. His was a peaceful life, filled by the acts of a compact, entire character, in which every thing was rounded and even. His talents were equaled by his learning, and his learning was entirely controlled by his judgment, and that was always in accordance with conviction of conscience, which never swerved him from the right path.

Such is the man and brother we mourn to-day. I think I have a right to say

this; aye, more than all, because I knew him so long and so well. What must have been his effect upon the community in which he lived?

My learned brother sketched a great number of places of trust which he filled, and has given us their names. Precisely so. Everywhere when a trust was to be filled; everywhere when the interests of others were to be carefully looked after; everywhere where the highest probity was needed; everywhere where a sagacity that never faltered and a judgment always correct were desired, and would be the guide, —into those positions was called Daniel S. Richardson. And he never failed in filling them. No investigating committee, in the many mentioned corporations where he took an active, and generally a controlling, part, was ever called to look at what had been done in that corporation. His controlling mind, animated by the very sense of honest purpose and right endeavor in energy of pursuit in that which was right, kept the business under his charge, and those

who assisted him in it, in the true and right path. To name these bodies, which my brother has done, is only to call a list of successful, rightly-managed, honest corporate bodies, which have done so much to make corporate management of property in this commonwealth the controlling one.

As a lawyer, I need not speak to my brothers of Mr. Richardson. There was one peculiarity which I call to mind. When we had an honest case which was a little doubtful, and that wanted good judgment and sound advice in the law,—I speak for myself, and I know I speak for others,—he was the man to whom as a brother-lawyer, as we of the bar quite often do, we went to state the case and to put the question: "How ought I to deal with this?"

If your Honor had known him as did the two great Judges, Chief Justice Shaw and Judge Wilde, whose portraits hang over your head, there would be no need of speaking of the legal attainments of Mr. Richardson. They, the great Judges of their time, the great lawyers,—and there

were giants in those days,—they knew how to appreciate him; and an examination of the opinions of this Bench and those Judges, during the time when he was in full practice, will show no more frequent name as advocating causes with success in proportion to the number,—and the number was great in proportion to the practice of any one man who confined himself substantially to this county,—than those to which in the reports is added the name of Daniel S. Richardson.

There is another line of Mr. Richardson's pursuits which my brother who last addressed the Court, perhaps because he had not the knowledge I have on that subject, has not pursued. As a literary man, as a writer of pure Saxon English undefiled, Daniel S. Richardson had no equals. It began with a prize essay in College, and it was continued in many magazines and in many communications to journals and reviews, to many of which he was too modest to attach his name. Sometimes and not very infrequently, when they were well-

written articles in opposition to my political views, he did not fail to put his name to them and to send them to me.

Such, then, is the man, the memorial of whose life we present. Beyond this, however, the good citizen, one of the best we have of domestic life. The kind and considerate husband, the neighbor, always ready and willing, nay, more than willing, to do his duty to the neighbor who needed his help, we of this City and of this County, and of this bar, have to thank God that he was spared to us so long as an example to every class of citizens; and we come here with no feeling of idle show — no idea that we must go through a formula because he was a member of this bar, on the occasion of his death, but with the feeling, all of us,—except that I claim the greater share,—that his was a life worthy of all praise, and his was a death that can not be mourned, save that tears well up to the eyes; that his memory will live in all hearts, growing daily and yearly as a green thing to be a possession forever.

REMARKS BY MR. LINUS M. CHILD

If it please your Honor:

I should hesitate at this time and in this place to attempt to say one word in memory of Daniel S. Richardson, were it not that I, having been a student in his office for three years, could hardly feel satisfied to keep silent while his memory was being spoken of.

Through the wisdom of my father, which wisdom I learn to respect the longer I live, among the many offices where he might have procured me a place as a student, the office of Daniel S. Richardson was chosen. At a time when there were many eminent, brilliant, and prominent members of the bar in Lowell and vicinity, and at a time when, perhaps, Mr. Richardson's name did not stand high as an advocate, or as celebrated

for any particular promise, yet he then had that reputation as a lawyer that drew to him the old lawyer, my father; he recognized in him those qualities which were invaluable in a teacher to a student. And again I do not hesitate to speak here; for Daniel S. Richardson was a man—and we can not but feel, whatever may be our belief, his presence here to a certain extent, and can not but be influenced by what would be his preferences at this time—who would as gladly hear the youngest and the most insignificant member of the profession which he loved, speak of him and in his favor, as the most brilliant and prominent.

Fresh from college, I went into his office, and there first I commenced the study of law, and learned to realize what a lawyer's life was. It was there that was laid the foundation of my purpose and my desire, and it was through the teachings of Daniel S. Richardson that I was introduced to the practice of my profession. As a man, what a man he was; what a man for the young

to come in contact with! Boy as I was, and he in the full tide of practice at that time, the consideration, the time, and the pains that he took to inculcate into my mind the principles of law, the assistance which he so readily and frankly gave in any knotty questions that troubled me, were of infinite service to me and apparently a pleasure to him. Evening after evening in his office, when the labors for the day—and for him they were great—were over, when he and I together pursued some question that he was interested in, he would reveal to me the entire workings of his mind and instil into me the legal reasoning, which has been of the greatest benefit to me through my life: what an encouragement that was, and how encouraging he was! I remember when I had been in his office hardly a week, and when I was hesitating as to whether I should pursue the profession of law or some other profession, that one morning he walked in with a declaration, "Well, Child, I believe you are going to be a good lawyer." "Why

so, sir?" "Because you sweep out the office better than any student I ever had in it."

He always had something pleasant and genial and kindly to say, and it was in his office that he was the most attractive as well as the most instructive of men. Again, I remember another instance, when I had been set to copy, some of the first copying I had to do, of a deed. I had left out two of the most important lines of the whole deed. By the kindness of the Registrar it was detected before it was recorded, and sent back to Mr. Richardson's office. I was overwhelmed with confusion, seeing which, he said to me, "Oh, well, everybody makes such sort of mistakes. A big lawyer never could copy a deed, and never will; so you need n't worry."

He was remarkable in his devotion to his business, and the singleness of purpose that he had. The question of pay for his services had less weight with him than with any lawyer I ever knew. There was n't a question that did not occur to his mind. He pursued his case with vigor, and with

greatest pains. He would hesitate long, and would hardly give an opinion without investigation; he would study up his cases in the most remarkable manner, and call upon everybody in his office to assist him. He would get the question into the minds of the young men there; would arouse their enthusiasm, so that it became an exciting time in that office when a brief for the Supreme Court was being prepared; an excitement that would draw the students away from every other pleasure and entertainment. We used to delight to get into the office and sit up there nights to assist in the preparation of cases in which we flattered ourselves,—and he flattered us,—that we were taking quite a prominent part. So pleasantly would he receive a suggestion, and make the most of it, that we would feel that we were indeed of some assistance. At the time we were in his office we loved the man; to be in contact with him was a pleasure. I never knew, and never saw, in his office any altercation, any excitement, any difference with his clients

or with his brother-lawyers. But he was always kind, always courteous, and had the greatest charity for the idiosyncrasies and peculiarities of his clients. He had at that time a large country practice, which was exceedingly interesting to the student, although not particularly lucrative to him; but everybody in Tyngsborough and the towns adjacent always came to him to consult him about their affairs, and the kindness and patience with which he would listen, and the smallness of the charges which he made, were indeed remarkable.

He preferred the law to any thing else. He was a real and true lawyer; he loved it, and he studied it with enthusiasm. He cared naught for money; he cared little for society; he cared little for any thing that would attract him from the study of the law, and the preparation of cases, and the investigation of questions; giving himself up with the greatest assiduity, with the greatest care, and with the greatest enthusiasm to the study of his profession. And it seems to me that his life was an example of the

very best that can be done in the study of law. The law was his mistress. Although he made no attempts at brilliancy, although he made no efforts at great speeches, or attempted to seek any prominence in the practice of his profession, still, by care, by hard work, by being constantly there, by following it up, and attending it at all times, he went steadily up in his profession, until he stood at the highest mark. So that his career was the result of care, attention, and study, and without any particular claim for genius or brilliancy.

By his career we are taught that law, when properly pursued, carefully followed up, worthily attended, will give rewards to the plainest and least brilliant intellect, and that by following it with that care and assiduity it will carry most men to a position in life which may well be emulated. He had an apprehension of the law, an appreciation of it, and he loved it. The law was his guide and moral code. The law was that which kept him when his thoughts were fixed upon the future. By the law, and through the

law, and by following the law, he hoped to attain happiness in this world and in the next. Indeed, I think that he would say as Lord Coke said of the law: "That no less could be said than that its seat was in the bosom of God." And we would go perhaps still further, and say that in the opinion of our late brother the law was God.

REMARKS BY MR. JEREMIAH CROWLEY

May it please your Honor:

During the sad days of the war of the Rebellion an old lady, the mother of a large family of sons, nearly all of whom were then at the front engaged in the service of their country, had occasion to consult a lawyer upon a matter relating to the youngest of her boys, who had at a very early age left home and enlisted in a regiment in a neighboring state. Kind fortune directed her to an office on Central Street in Lowell. She there saw a lawyer and told him her humble story. He patiently listened and gave her advice, words of sympathy and consolation, without money or without price. His kindness made such an impression on the old lady that she always remembered and gratefully spoke of it, even until her dying day. The war of the Rebellion has long since

closed; the wounds which it made are now almost healed. The old lady, many years since, has, I trust, gone to a brighter and a better world. The sod that covers the new-made grave of the kind-hearted lawyer yet bears the imprint of the spade that turned it. The son of the old lady is here to-day as a member of the bar, for the kindness shown in the days long since past, and for the many kindnesses since shown to himself, to offer his feeble tribute to the memory of Daniel S. Richardson.

It is now nearly a quarter of a century since in this court-room I was admitted to the practice of law. His hand was then among the first to take mine in fraternal grasp. His was the first voice to greet me, and wish me honor and success upon my entrance upon a new career in life. Since then I have been associated with him in civil and criminal causes. By this association I have learned to esteem and know him as an able lawyer, a good citizen, and a kind personal friend.

I do not presume to speak of his greatness as a lawyer. Other distinguished gentlemen, older at the bar and far abler than I, have already spoken of his great abilities in that direction. I speak of him as a lawyer, only to say that whenever the members of the bar have had occasion to seek his advice and assistance, they always found him ready and willing with a cheerful smile and a kind and helpful word. A member of the Lowell bar, now in middle life, in speaking of Mr. Richardson since his death, says: "Words can not express the esteem in which we held him." Said he: "I can say that we truly and sincerely loved him." Younger members of the bar, who had the good fortune to be associated with him when he was senior counsel, can testify to his kindness in the manner in which he treated them while engaged with them in the conduct of their causes; how he would raise the most intricate questions of law, and then humbly submit them to the junior counsel for his criticism, and act toward him as if upon his judgment and

his decision rested the question and the security of the case. It was his natural delicacy in the treatment of men; it was his nobleness of soul; it was his kindness of heart which prompted it, and those traits in his character endeared him to us all, and which will long keep his memory green.

It is said of lawyers that sometimes they encourage litigation for the sake of pecuniary gain. That can not be truthfully said of our lamented friend. I remember years ago, when a trusted official of our city wandered from the paths of honesty and rectitude, and had become a defaulter to the city; public opinion ran high, and a strong pressure was brought to bear upon the city authorities to bring suit to recover, from the sureties on the bond, the amount of the defalcation. The opinions of many members of the Lowell and Middlesex bar were sought, and among them was the opinion of Mr. Richardson. After answering the questions submitted to him, he said, "Having answered your questions as fully as I can, permit me to add that

in law there is scarcely ever a case so certain that it would not, nevertheless, be better for all parties to adjust and compromise on fair and honorable terms." These words I have treasured in the storehouse of memory. Any lawyer might make them a safe rule in the conduct of his professional life. It is no wonder, grounded in such opinions and principles, that our friend won the esteem of his associates, the love and respect of the community in which he had lived and labored so long, and where he was always considered as a safe and wise counsellor and adviser.

I will not speak of him as a citizen. Others, who knew him longer and were more intimate than I, have already more fittingly done that; but I will be permitted to say, as was said of another: "That he was a kindly, courteous, and genial gentleman, and all who came within the circle of his influence, rich or poor, exalted or lowly, were treated with the same rare and exquisite courtesy." All who are within the

sound of my voice that knew him, honored and loved him. Another trait in the character of Mr. Richardson was his kindness of heart toward old friends. It was never more strongly exhibited than a short time ago, when he invited two members of the Lowell bar and myself to visit with him an old friend, and long a member of this bar, who was then shattered in health and stopping in a farm-house in a neighboring town. The two old friends, as they stood in the centre of that room in the old farm-house, presented a scene which those who saw it never will forget. The two old men grasped each other by the hand, looking into each other's eyes, and Mr. Richardson, with a voice tremulous with emotion, said, "Brown, you have been my neighbor and friend for forty years, and I never knew you to do a mean or dishonorable thing"; and Mr. Brown, palsied with disease, and in a trembling voice, said, "Daniel, we have been friends for more than fifty years, and we have had a great deal of business to do with each other, and

I never knew you to do a dishonest or a mean thing." The two old men stood there, as it were, almost in the shadow of death, hands grasped, and tears coursing down their cheeks. The parting between these two men was very feeling and affecting. On the way home, Mr. Richardson spoke with sadness about his friend, Mr. Brown, and about his being so shattered in health, and the impression was made upon the two other gentlemen and myself, that Mr. Richardson, even then, felt as if death with its chilly grasp was fast stealing on. But it came sooner than we expected. The wise counsellor has gone. The kind-hearted friend we never more will see in life. I, as an admirer of our lamented associate, and for the favors and kindnesses shown in my years of professional life, as a citizen of this City, as a member of the bar, esteem it a high honor to pay this tribute to the memory of an able lawyer, wise counsellor, a good citizen, an honest man, and a kind personal friend.

REMARKS BY MR. C. S. LILLEY

May it please your Honor:

Nothing that I can say will add to, or detract from, the reputation of Mr. Richardson, or fitly supplement the eloquent and appropriate words that have been spoken in his honor; yet I can not forbear claiming a moment of the hour set apart for these exercises, in which, as one of a numerous class, to make a public acknowledgment of my indebtedness for many kindnesses received at his hands, and for the example of professional excellence and good citizenship which his life presents.

Our elder brethren have spoken, as they are well fitted to speak, of his learning as a lawyer, and his skill as an advocate. In many legal contests they have, doubtless, felt the weight of his attack, and noted the skill of his defense. While his

professional work commands the admiration of us all, and forms a brilliant chapter in the annals of the Massachusetts bar, we hold him in most grateful remembrance to-day as a genial, kind, and generous friend.

Mr. Richardson was a good lawyer, and something more: he was essentially a good man, and I use that word not in its narrower sense as importing mere professions and outward signs. He was not a contender for the strict observance of the little niceties and proprieties of life. Indeed I doubt if he would have been pleased to be so regarded; but he was thoroughly loyal to his own high standard of truth and honor, and in all that he did genuine and unaffected kindness was a conspicuous quality.

Nowhere outside of his family circle, I apprehend, was this quality more manifest than in his relations to the younger members of the bar.

However pressing his engagements, however weighty the responsibilities resting upon him, he was never too busy to turn aside to speak a word of encouragement to

the young and inexperienced practitioner. To whom of us has he not at some time, in that kindly manner which was free from any suggestion of patronage or superiority, repeated a word of praise that he had heard (and, disguise it as we may, praise is grateful to us all), or spoken approvingly of some effort that he himself had noted?

It is not strange that many of us had come to regard him almost unconsciously as standing in a sort of paternal relation to us, or that in his death we feel something more than the loss of an eminent and upright lawyer.

We are told that for almost if not quite fifty years he was in the continuous practice of the law. A lawyer knows, as none other can, how much that means in exacting, and often unappreciated, toil; how much of perplexity and care.

The scriptural saying, forceful and significant as it is, that "Man that is born of a woman is of few days and full of trouble," is not needed here to remind us of the

uncertainty, nay, the brevity, of life, for there is a silence in these precincts that is most eloquent with the admonition; a silence that was wont to be broken by voices from the Bench and the bar that will fall upon our ears nevermore, unless it be, perchance, in accents of comfort and cheer as we approach the unknown shores of the world beyond.

But a few years remain to the youngest of Mr. Richardson's surviving brethren at the bar; a few years in which but comparatively little can be accomplished, and which will yield but an inadequate and unsatisfactory return for the most exacting labor.

I can conceive of no worthier ambition than so to improve them, and so to discharge every duty as it comes to hand, as to leave behind us, when we go hence and are seen no more, as enviable a record as he has left, and hearts as deeply touched as those that respond to the sentiments of the hour.

Words spoken of an eminent jurist in a neighboring state can be applied without

fear of exaggeration to him whose memory we honor to-day: "His life was clear and clean in all its aims, full of busy and useful labor,—void, we dare believe, of offense toward God and man,—and crowned in its course by the three-fold scriptural blessing, length of days, and riches, and honor."

LETTERS

[At the conclusion of the remarks by Mr. Lilley, Larkin T. Trull, Esq., read the following letters, which were directed to him as chairman of the committee on arrangements.]

317 COMMONWEALTH AVENUE,
BOSTON, 12th of April, '90.

MY DEAR MR. TRULL:

I very much regret that I can not arrange my engagements, so as to be present with my Brethren of the Middlesex bar on Tuesday next.

A warm friendship, extending over half a century, with Mr. Richardson gives me the right to speak with authority of his high and admirable qualities both as a man and a lawyer.

He began his professional life when the Middlesex bar had within its ranks a host of very able men, and that he made his way, and held his own among them, is the best evidence of his capacity and power as a lawyer.

When a young man, just beginning his professional life, could hold his own and make steady and cer-

tain advance among men like Farley, Hoar, Hopkinson, Robinson, Wadsworth, Mellon, Buttrick, Nelson, Butler, and many others of almost equal reputation, no question or doubt can be raised as to his capacity or power. Besides no man ever possessed a fairer or more honest mind than Richardson, the element most necessary to make a sound and trustworthy lawyer.

As a man, his perfect honesty, and high sense of honor, and great kindliness always guided and directed him in his daily life.

As a friend his fidelity was to be relied upon, as well in adversity as in prosperity.

Again expressing my regret at not being able to be present with the Middlesex bar on this occasion,

I remain, faithfully yours,

J. G. ABBOTT.

CONCORD, April 11, 1890.

L. T. TRULL, ESQ.:

My Dear Sir, — I was extremely obliged to you for your notice of the intended presentation, at the opening of the April term of the Supreme Judicial Court in Lowell, of the resolutions of the bar in memory of Daniel S. Richardson. I should desire very much to be present, if I could, on that occasion; but fear that I shall not find it in my power to be there.

I have known Mr. Richardson intimately since we were boys at college together, in 1832 — we were pupils of Story and Greenleaf in the Harvard Law School after graduating from the college, and were admitted to the bar at about the same time, in 1839.

For fifty years he has been my valued personal friend as well as professional associate; and if all practitioners were like him, the title of "Brother" by which lawyers address each other would have a deeper significance. He was so upright, and fair, and genial, and kindly, and considerate! He practised law, not only, according to the injunction of the official oath, — "with all due fidelity as well to the Court as to your client" — but what is harder still to keep always in remembrance — toward *the other side!*

The qualities which seem to me to have distinguished him were simplicity, sincerity, good sense, courage, and uprightness. He had a natural taste for legal studies, and a ready perception of legal principles and distinctions, undoubtedly to some extent inherited. He gave to his clients diligent and faithful service; there was nothing of greed, self-seeking, self-conceit, bluster, or pompous arrogance about him; and yet he kept for himself a sturdy independence which was delightful to see. He was a good lawyer, and a good fellow.

I wish your City of Lowell had been wise enough

to select him as its representative in Congress, a post for which he seemed to me to have admirable qualities, and in which he might have done it good service.

I suppose, when he died, he was the oldest lawyer having an office in Middlesex County, and so may be considered the father of the Middlesex bar. I hope those who are to come after us may inherit his virtues.

I am very sincerely yours,

E. R. HOAR.

REMARKS BY JUDGE HOLMES

Gentlemen of the Bar:

Of the leader whom you have lost I must say, *Vidi tantum*—I have seen him, and but little more. While I was at the bar I never met him, and for the last eight years he has been rather one of the heroes of Valhalla than in the thick of daily conflict. But I have heard enough, before listening to the eloquent and touching words of those who were his friendly rivals—I might almost say, I have seen enough—to know something of his character. He was a just, brave, tender, charitable, single-minded man. The men of a younger generation, who were often indebted to him for advice and opportunity freely given, bear witness to his generosity. Their elders, who knew him as an opponent rather

than as a benefactor, testify to his unruffled nature, which it was not safe to disturb too nearly. He was a lover of learning, and he had that union of acuteness, judgment, and human feeling that makes a successful lawyer. He was able, wise, and good, and his being so not only brought his reward in success and affectionate regard, but, I am persuaded, did a very great deal to lift up and maintain the character of the bar to which he belonged.

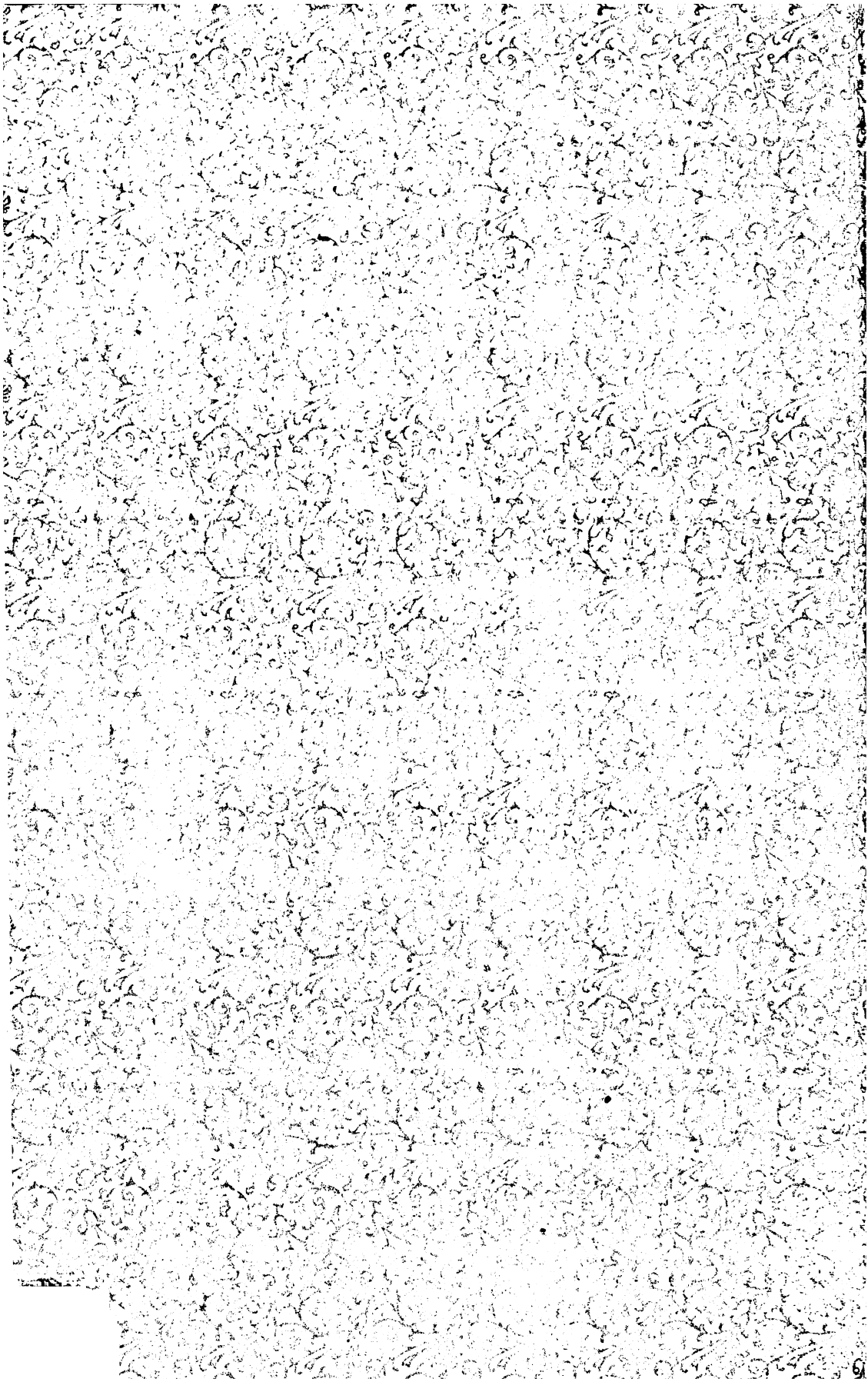
His long career is spanned by the reports between the seventh of Metcalf and one of our latest volumes. It is strange to think of that monotonous series as a record of human lives. I have seen upon the section of an ancient tree the annual rings marked off which grew while the Black Prince was fighting the French, while Shakespeare wrote his plays, while England was a commonwealth, while a later republic arose over the western waters and grew so great as to shake the world. And so, I often think, may all our histories be marked off upon the backs of the unbroken series

of our reports. As we go down the long line,—at every step, as on the Appian Way, a tomb,—we can see the little space within which Mason rose, grew mighty, and was no more—or Dexter, or Choate, or Bartlett, or Lord, or Sweetser; alas! now we must add, or Richardson—and the record which remains of them is but the names of counsel attached to a few cases.

Is that the only record? I think not. Their true monument is the body of our jurisprudence—that vast cenotaph shaped by the genius of our race and by powers greater than the greatest individual, yet to which the least may make their contribution and inscribe it with their names. The glory of lawyers, like that of men of science, is more corporate than individual. Our labor is an endless organic process. The organism whose being is recorded and protected by the law is the undying body of society. When I hear that one of the builders has ceased his toil, I do not ask what statue he has placed upon some conspicuous pedestal, but I think of the mighty whole and

say to myself, He has done his part to help the mysterious growth of the world along its inevitable lines towards its unknown end. I say to myself to-day that all this wonder is the work of such patient, accurate, keen, just, and fearless spirits as Daniel Richardson.

The memorial will be entered upon the records of the Court as moved, and as a mark of respect to the deceased, this Court will now adjourn.



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